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September 16, 2019

Via ECF

Hon. Vernon S. Broderick, U.S.D.J. (S.D.N.Y.)
Thurgood Marshall Courthouse
40 Foley Sq., New York, NY 10007

Re: *Avalon Holdings Corp. v. Gentile*, et. al., No. 18-cv-7291-VSB;
related to: New Concept Energy, Inc. v. Gentile, et. al., No. 18-cv-8896-VSB:
Letter Regarding Pending Motions to Transfer Venue and/or Dismiss

Your Honor:

I am one of the attorneys representing the Plaintiffs in the above-referenced related actions pending before the Court. The Plaintiffs in both actions allege short swing trading by the same Defendants under Section 16(b) of the Securities Exchange Act, 15 U.S.C. 78p(b).

I write to respectfully remind the Court that the Defendants have filed motions to transfer the cases to Puerto Rico; or, alternatively, to dismiss the actions, which the Plaintiffs have opposed. The Defendants' motions were fully briefed as of February 12, 2019 (*see* Reply Brief, *Avalon* Dkt. 33; *New Concept* Dkt. 26), pursuant to the Schedule entered by the Court on January 9, 2019 (*see* Order, *Avalon* Dkt. 26; *New Concept* Dkt. 19).

As Defendants' motions have remained pending for more than six months, I respectfully submit this reminder on behalf of the Plaintiffs. I welcome the opportunity to further clarify the Plaintiffs' position on Defendants' motions at a conference at the Court's convenience, if that would assist the Court in deciding the motions.

With all due respect,

s/ *Miriam Tauber*

Miriam Tauber

Attorney for Plaintiffs
Avalon Holdings Corp.
and New Concept Energy, Inc.

cc: all counsel (via ECF)